

Notice of Allowability

Application No.

09/738,243

Examiner

Carl Colin

Applicant(s)

LEUNG ET AL.

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/8/2006 and phone conversation on 7/19/06 and 7/21/06.
2. ☒ The allowed claim(s) is/are 1-4, 8-10, 12-14, 19, 26-29, 33-35, 37-39, 42 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KAMBIZ ZAND
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cathrine Kinslow on July 21, 2006.

The application has been amended as follows:

In claim 1, second paragraph, after "data processing system", insert the phrase "in a single architecture".

In claim 8, second paragraph, after "data processing system", insert the phrase "in a single architecture".

In claim 26, second paragraph, after "data processing system", insert the phrase "in a single architecture".

In claim 33, second paragraph, after "data processing system", insert the phrase "in a single architecture".

In claim 42, last paragraph, after "data processing system", insert the phrase "in a single architecture".

In claim 43, last paragraph, after "data processing system", insert the phrase "in a single architecture".

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The prior arts of record teach a key store manager manages user key data and handles requests for key operations from system applications. Users connect to the system through terminals or remote computers that may be equipped with smart card readers, see US Patent 5,778,072 to Samar and US Patent 6,393,565 to Lockhart et al. The prior arts of record, however, fail to teach singly or in combination, responsive to a request to perform a cryptographic operation, dynamically selecting between one of a software process and a hardware process within the data processing system in a single architecture for performing the cryptographic operation based on a policy to form a selected process and performing the cryptographic operation using the selected process wherein the cryptographic operation is an encryption of data using a key; wherein the key is a software key and the selected process is the hardware process and the step of converting the key comprises converting the software key into a hardware form useable by the hardware process for performing the cryptographic operation as recited in independent claims 1, 26, and 43; wherein the key is a hardware key and the selected process is the software process and converting the hardware key into a software form useable by the software process for performing the cryptographic operation as recited in independent claims 8, 33, and 42. Consequently claims 1, 8, 26, 33, 42-43 are allowable over the prior arts of record. Claims 2-4, 9-10, 12-14, 19, 27-29, 34-35, and 37-39 are directly or indirectly dependent upon claims 1, 8, 26, 33, 42-43 and therefore are also allowable over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cc

Carl Colin
Patent Examiner
July 21, 2006


KAMBIZ ZAND
PRIMARY EXAMINER